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Attorneys for Plaintiff
Christina Marie Neville

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTINA MARIE NEVILLE,)	Case No.: 2:23-cv-02001-EJY
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR THE AWARD AND
vs.)	PAYMENT OF ATTORNEY FEES
)	AND EXPENSES PURSUANT TO
MARTIN O'MALLEY,)	THE EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,)	ACT, 28 U.S.C. § 2412(d) AND
)	COSTS PURSUANT TO 28 U.S.C. §
Defendant.)	1920
)	
)	

TO THE HONORABLE ELAYNA J. YOUCHAH, MAGISTRATE JUDGE
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their
undersigned counsel, subject to the approval of the Court, that Christina Marie
Neville ("Neville") be awarded attorney fees in the amount of NINE THOUSAND

1 FOUR HUNDRED dollars (\$9,400.00) under the Equal Access to Justice Act
2 (EAJA), 28 U.S.C. § 2412(d), and no under 28 U.S.C. § 1920. This amount
3 represents compensation for all legal services rendered on behalf of Plaintiff by
4 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;
5 2412(d).

6 After the Court issues an order for EAJA fees to Neville, the government
7 will consider the matter of Neville's assignment of EAJA fees to Marc Kalagian.
8 The retainer agreement containing the assignment is attached as exhibit 1.
9 Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the
10 assignment will depend on whether the fees are subject to any offset allowed under
11 the United States Department of the Treasury's Offset Program. After the order for
12 EAJA fees is entered, the government will determine whether they are subject to
13 any offset.

14 Fees shall be made payable to Neville, but if the Department of the Treasury
15 determines that Neville does not owe a federal debt, then the government shall
16 cause the payment of fees, expenses and costs to be made directly to Law Offices
17 of Lawrence D. Rohlffing, Inc., CPC, pursuant to the assignment executed by
18 Neville.¹ Any payments made shall be delivered to Law Offices of Lawrence D.
19 Rohlffing, Inc., CPC. Counsel agrees that any payment of costs may be made either
20 by electronic fund transfer (ETF) or by check.

21 This stipulation constitutes a compromise settlement of Neville's request for
22 EAJA attorney fees, and does not constitute an admission of liability on the part of
23 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 constitute a complete release from, and bar to, any and all claims that Neville
2 and/or Marc Kalagian including Law Offices of Lawrence D. Rohlfing, Inc., CPC,
3 may have relating to EAJA attorney fees in connection with this action.

4 This award is without prejudice to the rights of Marc Kalagian and/or the
5 Law Offices of Lawrence D. Rohlfing, Inc., CPC, to seek Social Security Act
6 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
7 the EAJA.

8 DATE: September 26, 2024 Respectfully submitted,

9 LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

10 */s/ Marc V. Kalagian*

11 BY: _____

Marc V. Kalagian
Attorney for plaintiff
CHRISTINA MARIE NEVILLE

13
14 DATE: September 26, 2024 JASON M. FRIERSON
United States Attorney

15
16 */s/ David Priddy*

17 _____
DAVID PRIDDY

Special Assistant United States Attorney
Attorneys for Defendant

MARTIN O'MALLEY, Commissioner of Social
Security (Per e-mail authorization)

20 **ORDER**

21 Approved and so ordered:

22 DATE: September 26, 2024

23 
24 THE HONORABLE ELAYNA J. YOUCHAH
25 UNITED STATES MAGISTRATE JUDGE
26